

**Remarks**

Claims 1-43 are pending in the application.

The title of the invention was objected to as not being descriptive of the invention.

Claims 7-19, 22-25, 28-30, 32-33, and 37-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-6, 20-21, 26-27, 31, 34-36, and 40-43 are rejected under 35 U.S.C. 102(a) as being anticipated by United States Patent No. 6,557,031 issued to Mimura et al. on April 29, 2003.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

**Objection to the Title**

The title of the invention was objected to.

This ground of rejection is respectfully traversed for the following reason.

The Office Action does not give a particular reason as to why the title of the invention is not descriptive of the invention. However, it appears, based on the rejection in view of the Mimura et al. reference, that the Office Action believes the invention to be something that it is not, namely what is disclosed by Mimura et al.

However, rather than being what the Office Action thinks it to be, the invention actually is a method for identifying IP packets belonging to streams in an IP network that contain real-time-constrained information, such as MPEG-2 video, so that packets of the streams containing such identified real-time-constrained information can be properly treated. This is clearly supported by the specification generally, and especially by following statements in the summary of the invention section of the specification, which indicate that MPEG-2 video streams can be identified, in accordance with the principles of the invention, by

determining that a packet contains MPEG-2 video rather than using predefined streams or priority levels that are assumed to contain such information as is done in the prior art. More specifically, in accordance with an aspect of the invention, the “sync” bytes of the MPEG-2 stream are searched for within the IP packet payload, and when a pattern indicative of the sync bytes is found the sync bytes are identified and the packet is determined to contain MPEG-2 video. (emphasis added)

Thus, the title “MPEG Flow Identification For IP Networks”, is descriptive and appropriate. It would be well understood by those of ordinary skill in the art to relate to the type of invention disclosed in the specification.

#### **Rejection Under 35 U.S.C. 102**

Claims 1-6, 20-21, 26-27, 31, 34-36, and 40-43 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,557,031 issued to Mimura et al. on April 29, 2003.

The Office Action states that Mimura et al. teaches all the limitations of the rejected claims.

This ground of rejection is traversed for the following reasons.

Firstly, applicants note that their invention is only directed at identifying those IP packets that contain video. Thus, all of the sections of Mimura et al. relating to placing

MPEG video from a known MPEG video source, e.g., as received from a cable television or satellite system, within an IP packet, such as column 2, lines 29-54, are totally irrelevant to applicants' invention. This is because it is known in advance that all that can come out from the known MPEG video source is MPEG video. There is therefore no need to examine such content, the fact that it is MPEG content is already known. Furthermore, **IP** packets do **not** come out from those sources. This is because MPEG Transport stream (TS) packets are **not IP** packets. So any processing in Mimura et al. of TS packets is excluded from the scope of applicants' claims, even if it were to use the same techniques disclosed by applicants, which is not the case.

Secondly, those sections of Mimura et al. that relate to extracting MPEG video from IP packets do not teach applicants' invention. Instead, they determine that the IP packets contain MPEG video based on other techniques which do not render applicants' invention obvious.

More specifically, in Mimura et al., an IP packet is known to contain video based on address information. This can be seen, for example, from column 4, lines 52 through column 6, line 47, in which it is oft repeated that Mimura et al. assigns a correspondence from the IP address of the IP packets containing video to a PID value, which is the 13-bit packet identifiers which come after the synchronization byte in the MPEG video transport stream (TS), which is used then used to route the TS video in the MPEG video network, e.g., a cable television or satellite system. In other words, it seems that in Mimura et al. that IP packets that contain MPEG video are identified based on information in the IP header, namely, an address, and then the PID is assigned or associated therewith.

The sections of Mimura et al. cited in connection with claims 20-21, 31, 34-36, 40-43, namely, column 9, line 5 to column 12, line 15, do **not** teach searching through a payload of an IP packet for a pattern and indicating that the packet contains MPEG video only if the pattern is found, **nor** does it teach determining whether a payload of an IP packet has a length equal to an integral multiple of the length of an MPEG-2 transport stream packet. Most of that section deals with forming an MPEG transport stream packet which include IP header information. **No** searching of IP packets is done for this purpose, and in fact IP packets don't even exist. And when, in the cited section, MPEG video in

IP packets is to be extracted for conversion to transport stream packets, there is no searching involved. In the cited section it is assumed that the IP packets are known to contain video. Instead, as explained in subsequent sections, as well as column 4, lines 52 through column 6, line 47, this appears to be based on the IP header information of the IP packet, and not based on the content of the data payload of the IP packet, which seems to only contain MPEG video in PES format.

Thus, there is no teaching or suggestion in Mimura et al. to determine that an IP packet contains MPEG-2 data based solely on the IP data payload, exclusive of any RTP header therein.

Additionally, regarding claim 27, the cited section of Mimura et al, i.e., column 9, line 43 through column 10, line 11, does not teach processing the IP packet with a priority assigned for packets containing video when the indicating step indicates that the IP packet contains video. This is because that section is related to the formation of MPEG-TS signals which include IP header information, so there are no actual IP packets at this point, and so there cannot be any processing of IP packets. Also, the cited section does not have an IP packet that was identified as having video based on only the IP data payload, because there was no identification of IP packets at this point, as recited in claim 27. Moreover, no language in the cited section contained therein indicates any type of priority processing. Indeed, applicants' representative did not notice the word "priority", nor any synonym therefor, appearing in the cited section.

Additionally, to more closely conform their claims to those allowed in Europe, applicants have amended the claims so that they now clearly exclude any information in the RTP header from being considered in determining whether an MPEG video signal is present or not. Thus, only non-header information of any type is searched and used to determine the presence of MPEG video.

**Conclusion**

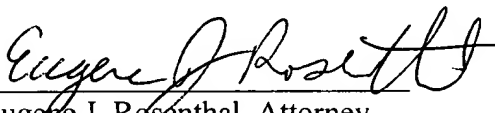
It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, he is invited to call applicant's attorney so that arrangements may be made to discuss and resolve any such issues.

In the event that an extension of time is required for this amendment to be considered timely, and a petition therefor does not otherwise accompany this amendment, any necessary extension of time is hereby petitioned for, and the Commissioner is authorized to charge the appropriate cost of such petition to the **Lucent Technologies Deposit Account No. 12-2325**.

Respectfully,

J. P. Hearn  
K. N. Matthews  
C.C. Yu

By   
Eugene J. Rosenthal, Attorney  
Reg. No. 36,658  
732-949-1857

Lucent Technologies Inc.

Date: 1/20/04